

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE MAY 22, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1980

Introduced by Assembly Member Bass

February 9, 2006

An act to amend Section 830.7 of the Penal Code, relating to powers of arrest.

LEGISLATIVE COUNSEL'S DIGEST

AB 1980, as amended, Bass. Powers of arrest.

Existing law provides that certain persons are not peace officers but may exercise the powers of arrest of a peace officer, as specified, during the course and within the scope of their employment if they receive specified training.

This bill would include within those provisions, persons regularly employed by any department of the City of Los Angeles who are designated as security officers and authorized by local ordinance to enforce laws related to the preservation of peace in or about the properties owned, controlled, operated, or administered by any department of the City of Los Angeles and authorized by a memorandum of understanding with the Chief of Police of the City of Los Angeles permitting the exercise of that authority.

This bill would incorporate additional changes to Section 830.7 of the Penal Code, proposed by AB 1688, to be operative only if this bill and AB 1688 are enacted and become effective on or before January 1, 2007, and this bill is enacted last.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 830.7 of the Penal Code is amended to
2 read:
- 3 830.7. The following persons are not peace officers but may
4 exercise the powers of arrest of a peace officer as specified in
5 Section 836 during the course and within the scope of their
6 employment, if they successfully complete a course in the
7 exercise of those powers pursuant to Section 832:
- 8 (a) Persons designated by a cemetery authority pursuant to
9 Section 8325 of the Health and Safety Code.
- 10 (b) Persons regularly employed as security officers for
11 independent institutions of higher education, recognized under
12 subdivision (b) of Section 66010 of the Education Code, if the
13 institution has concluded a memorandum of understanding,
14 permitting the exercise of that authority, with the sheriff or the
15 chief of police within whose jurisdiction the institution lies.
- 16 (c) Persons regularly employed as security officers for health
17 facilities, as defined in Section 1250 of the Health and Safety
18 Code, that are owned and operated by cities, counties, and cities
19 and counties, if the facility has concluded a memorandum of
20 understanding, permitting the exercise of that authority, with the
21 sheriff or the chief of police within whose jurisdiction the facility
22 lies.
- 23 (d) Employees or classes of employees of the California
24 Department of Forestry and Fire Protection designated by the
25 Director of Forestry and Fire Protection, provided that the
26 primary duty of the employee shall be the enforcement of the law
27 as that duty is set forth in Section 4156 of the Public Resources
28 Code.
- 29 (e) Persons regularly employed as inspectors, supervisors, or
30 security officers for transit districts, as defined in Section 99213
31 of the Public Utilities Code, if the district has concluded a
32 memorandum of understanding permitting the exercise of that
33 authority, with, as applicable, the sheriff, the chief of police, or
34 the Department of the California Highway Patrol within whose
35 jurisdiction the district lies. For the purposes of this subdivision,

1 the exercise of peace officer authority may include the authority
2 to remove a vehicle from a railroad right-of-way as set forth in
3 Section 22656 of the Vehicle Code.

4 (f) Nonpeace officers regularly employed as county parole
5 officers pursuant to Section 3089.

6 (g) Persons appointed by the Executive Director of the
7 California Science Center pursuant to Section 4108 of the Food
8 and Agricultural Code.

9 (h) Persons regularly employed as investigators by the
10 Department of Transportation for the City of Los Angeles and
11 designated by local ordinance as public officers, to the extent
12 necessary to enforce laws related to public transportation, and
13 authorized by a memorandum of understanding with the chief of
14 police, permitting the exercise of that authority. For the purposes
15 of this subdivision, “investigator” means an employee defined in
16 Section 53075.61 of the Government Code authorized by local
17 ordinance to enforce laws related to public transportation.
18 Transportation investigators authorized by this section shall not
19 be deemed “peace officers” for purposes of Sections 241 and
20 243.

21 (i) Persons regularly employed by any department of the City
22 of Los Angeles who are designated as security officers and
23 authorized by local ordinance to enforce laws related to the
24 preservation of peace in or about the properties owned,
25 controlled, operated, or administered by any department of the
26 City of Los Angeles and authorized by a memorandum of
27 understanding with the Chief of Police of the City of Los
28 Angeles permitting the exercise of that authority. Security
29 officers authorized pursuant to this subdivision shall not be
30 deemed peace officers for purposes of Sections 241 and 243.

31 SEC. 2. Section 830.7 of the Penal Code is amended to read:

32 830.7. The following persons are not peace officers but may
33 exercise the powers of arrest of a peace officer as specified in
34 Section 836 during the course and within the scope of their
35 employment, if they successfully complete a course in the
36 exercise of those powers pursuant to Section 832:

37 (a) Persons designated by a cemetery authority pursuant to
38 Section 8325 of the Health and Safety Code.

39 (b) Persons regularly employed as security officers for
40 independent institutions of higher education, recognized under

1 subdivision (b) of Section 66010 of the Education Code, if the
2 institution has concluded a memorandum of understanding,
3 permitting the exercise of that authority, with the sheriff or the
4 chief of police within whose jurisdiction the institution lies.

5 (c) Persons regularly employed as security officers for health
6 facilities, as defined in Section 1250 of the Health and Safety
7 Code, that are owned and operated by cities, counties, and cities
8 and counties, if the facility has concluded a memorandum of
9 understanding, permitting the exercise of that authority, with the
10 sheriff or the chief of police within whose jurisdiction the facility
11 lies.

12 (d) Employees or classes of employees of the California
13 Department of Forestry and Fire Protection designated by the
14 Director of Forestry and Fire Protection, provided that the
15 primary duty of the employee shall be the enforcement of the law
16 as that duty is set forth in Section 4156 of the Public Resources
17 Code.

18 (e) Persons regularly employed as inspectors, supervisors, or
19 security officers for transit districts, as defined in Section 99213
20 of the Public Utilities Code, if the district has concluded a
21 memorandum of understanding permitting the exercise of that
22 authority, with, as applicable, the sheriff, the chief of police, or
23 the Department of the California Highway Patrol within whose
24 jurisdiction the district lies. For the purposes of this subdivision,
25 the exercise of peace officer authority may include the authority
26 to remove a vehicle from a railroad right-of-way as set forth in
27 Section 22656 of the Vehicle Code.

28 (f) Nonpeace officers regularly employed as county parole
29 officers pursuant to Section 3089.

30 (g) Persons appointed by the Executive Director of the
31 California Science Center pursuant to Section 4108 of the Food
32 and Agricultural Code.

33 (h) Persons regularly employed as investigators by the
34 Department of Transportation for the City of Los Angeles and
35 designated by local ordinance as public officers, to the extent
36 necessary to enforce laws related to public transportation, and
37 authorized by a memorandum of understanding with the chief of
38 police, permitting the exercise of that authority. For the purposes
39 of this subdivision, “investigator” means an employee defined in
40 Section 53075.61 of the Government Code authorized by local

1 ordinance to enforce laws related to public transportation.
2 Transportation investigators authorized by this section shall not
3 be deemed “peace officers” for purposes of Sections 241 and
4 243.

5 *(i) Persons regularly employed by any department of the City*
6 *of Los Angeles who are designated as security officers and*
7 *authorized by local ordinance to enforce laws related to the*
8 *preservation of peace in or about the properties owned,*
9 *controlled, operated, or administered by any department of the*
10 *City of Los Angeles and authorized by a memorandum of*
11 *understanding with the Chief of Police of the City of Los Angeles*
12 *permitting the exercise of that authority. Security officers*
13 *authorized pursuant to this subdivision shall not be deemed*
14 *peace officers for purposes of Sections 241 and 243.*

15 *(j) Illegal dumping enforcement officers, to the extent*
16 *necessary to enforce laws related to illegal waste dumping, or*
17 *littering, and authorized by a memorandum of understanding*
18 *with, as applicable, the sheriff or chief of police within whose*
19 *jurisdiction the person is employed, permitting the exercise of*
20 *that authority. An “illegal dumping enforcement officer” is*
21 *defined, for purposes of this section, as a person regularly*
22 *employed by a city, county, or city and county, whose duties*
23 *include illegal dumping enforcement and is designated by local*
24 *ordinance as a public officer. No person may be appointed as an*
25 *illegal dumping enforcement officer if that person is disqualified*
26 *pursuant to the criteria set forth in Section 1029 of the*
27 *Government Code.*

28 SEC. 3. Section 2 of this bill incorporates amendments to
29 Section 830.7 of the Penal Code proposed by both this bill and
30 AB 1688. It shall only become operative if (1) both bills are
31 enacted and become effective on or before January 1, 2007, (2)
32 each bill amends Section 830.7 of the Penal Code, and (3) this
33 bill is enacted after AB 1688, in which case Section 1 of this bill
34 shall not become operative.